

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ERIKA ARROYO,

*Plaintiff,*

v.

OPRONA, INC., *et al.*,

*Defendants.*

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CIVIL ACTION H-16-852

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Pursuant to Federal Rule of Civil Procedure 72, the court must review decisions on nondispositive motions by the magistrate judge and “modify or set aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a). A decision is clearly erroneous when the reviewing court is “left with the definite and firm conviction that a mistake has been committed.” *United States v. Stevens*, 487 F.3d 232, 240 (5th Cir. 2007)(quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)). A legal conclusion is contrary to law when the magistrate judge fails to apply or misapplies relevant statutes, case law or rules of procedure. *Ambrose-Frazier v. Herzing Inc.*, No. 15-1324, 2016 WL 890406, at \*2 (E.D. La. Mar. 9, 2016).

Having reviewed the Magistrate Judge's Memorandum and Recommendation and the objections filed thereto, the court is of the opinion that the Memorandum and Recommendation is neither clearly erroneous nor contrary to law. The Memorandum and Recommendation is hereby **ADOPTED** by this Court. Rosen Swiss AG shall be dismissed by separate order.

Signed at Houston, Texas on March 24, 2017.



Gray H. Miller  
United States District Judge